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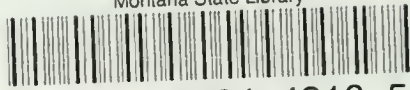
An Introduction to

THE MONTANA LEGISLATIVE COUNCIL



1981-1983

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MONTANA LEGISLATIVE COUNCIL

SENATE MEMBERS

Pat M. Goodover, Chairman
Carroll Graham
Joseph P. Mazurek
Jesse O'Hara

HOUSE MEMBERS

John Vincent, Vice-Chairman
Burt L. Hurwitz
Rex Manuel
Bobby Spilker

Diana S. Dowling
Executive Director
Room 138, State Capitol
Helena, Montana 59620
Telephone 406-449-3064

Established in 1957, the Montana Legislative Council was originally created as a permanent agency of the legislative branch of state government designed to study selected problems confronting the Legislature in the interim between biennial sessions and to perform other services that facilitate the legislative process.

In 1973 the responsibility for conducting interim studies was transferred from the Council to legislative standing committees or their subcommittees. Particular areas to be studied in an interim, previously determined by the Council, became a responsibility of a Committee on Priorities. The 1979 Legislature returned the responsibility for determining the subject matter of interim studies and the membership of interim study committees to the Legislative Council.

SB 9 now pending in the 47th Legislature would provide that each interim study committee be composed of members appointed by the Senate Committee on Committees or the Speaker of the House from the respective standing committees of each house. The Legislative Council would retain the responsibility for designating the studies and to which committee assigned.

Title 5, Chapters 5, 6, and 11, and Title 1, Chapter 11, MCA, provide the statutory authority for the structure and functions of the Council and interim committees. For purposes of discussion, the content of these sections may be divided into four areas: first, the powers and duties of the Council; second, the structure and responsibilities of the Council staff; third, interim committee organization and procedures; and fourth, the operation of the legislative intern program.

The Council

The Legislative Council consists of four members chosen from the House and four members chosen from the Senate. Both political parties are equally represented on the Council. Each new Council must be

chosen by the Speaker of the House and the Senate Committee on Committees before the fiftieth day of the first regular session of the biennium, and members serve for the biennium.

The law charges the Council with administrative responsibilities relative to the Council staff. An important responsibility of the Council since 1975 has been supervision of the recodification of Montana's statutes by a Code Commissioner assigned to the Council staff. The Montana Code Annotated, as published by the Code Commissioner, was adopted as prima facie the law of Montana by Chapter 1, Laws of 1979.

The one nonadministrative policy study function assigned to the Council provides a legislative safety valve. The Council may, in the event a problem demanding legislative attention arises during the interim, assign study of the problem to an appropriate study committee.

The Council may not approve or disapprove substantive portions or recommendations of any interim committee report.

The Council Staff

The staff of the Legislative Council acts as an independent, non-political, impartial staff agency for the Legislature, performing those duties and functions assigned by law or as directed or requested by members and committees of the Legislature. The Council staff also provides information to the public in legislative matters.

The staff is divided into four functional divisions: Legislative Services Division, Research and Reference Services Division, Legal Services Division, and Management and Business Services Division.

The Legislative Services Division is responsible for clerical preparation of introduced bills, for engrossing and enrolling of bills, and for printing and mailing of the bills. This division uses a computerized word processing system in order to operate with a high degree of effectiveness and accuracy with a relatively small staff of copy editors, typists, and proofreaders. This division is also responsible for publication of the legislative journals, of a numerical compilation of code sections affected by the session laws, and the final session laws. The computerized word processing system is also utilized in the publication of the Montana Code Annotated.

The Research and Reference Services Division and the Legal Services Division have many of the same responsibilities. Both divisions perform general and specialized research and reference and information functions. Staff members from both divisions may assist in the preparation of the Legislative Review, staff legislative committees during the session and throughout the interim, draft legislation, prepare legislative and staff reports, and provide information on the legislative process to the public. During the interim, the Legal Services Division is primarily responsible for publication and updating of the Montana Code Annotated.

The Code Commissioner supervises the continuing codification, indexing, rearranging, and general updating of the Code. Annotations, including case notes to federal and state court decisions and other material useful to MCA users, is published separately from the statutes in a loose-leaf format that may be easily updated.

The Research and Reference Services Division maintains a reference library containing items of special interest to legislators and legislative staff. The library maintains a liaison with other libraries to help make information available as quickly as possible.

The Management and Business Services Division maintains all bookkeeping records; signs all legislative claims and payrolls; requisitions all printing, supplies, and equipment; and serves the House and Senate during a Session.

Legislative Council Staff:

Diana S. Dowling, Executive Director and Code Commissioner
Eleanor Eck, Administrative Assistant

Management and Business Services

Sharole Connelly, Director of Accounting
Bonnie Albiston, Accounting/Payroll Technician
Kay Roos, Purchasing Clerk
Kathy Thompson, Secretary/Receptionist

Research Division

Robert B. Person, Director
Anne Brodsky, Researcher
Kathleen M. Harrington, Researcher
Lois Menzies, Researcher
Andrea Merrill, Researcher
Jim Oppedahl, Senior Researcher
Deborah M. Schmidt, Senior Researcher
Paul Verdon, Researcher
Janice Bacino, Librarian
Sharon Ulberg, Librarian Assistant
Ellen Garrity, Division Office Manager
Rebecca Meredith, Composing Technician

Legal Services Division

Robert Clark Pyfer, Director
J. Cort Harrington, Staff Attorney
Lee Heiman, Staff Attorney
Russ Josephson, Legal Researcher
David Niss, Staff Attorney
Katherine Orr, Staff Attorney
Gregory J. Petesch, Staff Attorney
Nadine E. Wallace, Indexer
Jacqueline Nichols Terrell, Indexer
Helen MacPherson, Secretary

Legislative Services Division

Roberta Moody, Director
Marilynn Novak, Assistant to Director
Bonni Belden, Data Entry Operator
Phyllis Cote, Senior Proofreader
Connie Dixon, Senior Entry Operator
Marie Fuhrmann, Senior Proofreader
Doris Groot, Senior Editing Aide
Valeri Hanson, Data Processing Coordinator
Jane Kufeld, Senior Proofreader
Margaret Liles, Con Con Indexer
Martha Lowe, Senior Entry Operator
Mary Ellen Randall, Editing Aide
Nancy Ritz, Senior Entry Operator
Andrea Sigouin, Data Entry Operator
Carlyce Skjervem, Editing Aide
Patricia Small, Senior Entry Operator
Clarice Smith, Senior Editing Aide
Doug Sternberg, Senior Proofreader
Patty Taylor, Data Entry Operator
Jan Vulk, Data Entry Operator
Dirk Williams, Proofreader

Legislative Interim Operations

Section 5-5-202 and Sections 5-5-211 through 5-5-217, MCA, provide the boundaries within which the Legislature must act during an interim. During the legislative session, resolutions may be proposed requesting interim studies. Immediately following the Session, the Legislative Council must prepare a list of study resolutions adopted by the Legislature and distribute it to each legislator. Each legislator is requested to rank the studies in order of importance. After reviewing the priority lists, the estimated cost of each study, and the staff assistance required for each study, the Legislative Council determines which studies will be undertaken.

There are four types of committees that function during an interim: full standing committees, interim study committees, select committees, and committees established by law.

Interim study committees are appointed by the Legislative Council after receiving recommendations from the chairmen of appropriate standing committees of the House and Senate. (Senate Bill No. 9 would change this -- See page 1.) A study committee consists of four members from each house. No more than two members from each house may be of the same political party. These subcommittees do the majority of the interim work. Each study committee must report its findings and recommendations to the Legislature at the beginning of the next Session.

A select committee is formed to examine a particular issue or bill. This committee is responsible to the house from which it was selected. It operates in a fashion similar to the interim study

committees except that it may operate during a Session. A select committee reports to the Legislature upon completion of its study.

The full standing committees are also authorized to function during the interim. However, because of the expense of holding meetings, these committees seldom meet.

Committees established by law are appointed and meet in accordance with provisions of their authorizing statutes. The Council staff assists such committees upon request. The following statutory committees are staffed by the Legislative Council: Revenue Oversight, Coal Tax Oversight, Water Resources, Reapportionment, Administrative Code, Capitol Building and Planning, Montana Salary Commission, Constitutional Convention Publications.

Legislative Intern Program

The Legislative Council also administers the Legislative Intern Program, established by law in 1974. This program provides an opportunity for qualified Montana college and university students to gain first-hand experience of the legislative process. Each unit of the Montana University System may select at least one intern, and five additional interns may be chosen from applications submitted to the Council. The Council assigns each intern to a legislator, and the intern is directly responsible to that legislator.

LEGISLATIVE RESEARCH PUBLICATIONS

Since its creation the Council has issued the following major research publications:

1957-58 Interim

- *Legislative Handbook
- *Report No. 1 - Montana State Prison
- *The Administration of Higher Education in Montana
(by G. Homer Durham)
- *General Report No. 1

1959-60 Interim

- *The State Government of Montana (Organization Chart)
- *Report No. 2 - Legislative Procedures
- *Report No. 3 - The Organization and Administration of State Government
- *Report No. 4 - State Land and Investments
- *Report No. 5 - Higher Education
- *Report No. 6 - Property Taxation in Montana
- *General Report No. 2

1961-62 Interim

- *Bill Drafting Manual for the Montana Legislative Assembly
- Report No. 7 - Executive Reorganization
- *Report No. 8 - Fiscal Control
- *Report No. 9 - State Treasury Fund Structure

1963-64 Interim

- *The State Government of Montana (Organization Chart)
- Report No. 10 - Legislative Rules
- Report No. 11 - Public Official and Employee Bonds -- Fees
Collected by State Agencies
- *Report No. 12 - Personnel Management
- *Report No. 13 - Administration of State Liquor Monopoly
- *Report No. 14 - Investment of Public Funds
- *Report No. 15 - Revision of Laws of the Department of Public
Institutions
- *Report No. 16 - Property Taxation and the Montana Property
Classification Law

1965-66 Interim

- Report No. 17 - Legislative Fiscal Analysis
- *Report No. 18 - Revision of Public Health Laws -- Revision of Fire
Protection Laws
- *Report No. 19 - Professional and Occupational Licensing Boards
- *Report No. 20 - Revision of Laws for Public Schools
- Report No. 21 - Conservancy Districts
- *Report No. 22 - Retirement Systems for Policemen and Firemen
- Report No. 23 - Montana Taxation

1967-68 Interim

- *The State Government of Montana (Organizational Chart)
- Report No. 24 - Building Standards -- Election Laws
- *Report No. 25 - The Montana Constitution
- Report No. 26 - Montana Corporation License Tax
- Report No. 27 - State Printing
- Report No. 28 - Vocational Education

1969-70 Interim

- Report No. 29 - Regulation of the Sale and Use of Pesticides --
Pesticide Statewide Laboratory System
- Report No. 30 - Self-Insurance on State-Owned Property
- Report No. 31 - Property Taxation -- Right of Entry
- Report No. 32 - Recodification of School Laws -- Elementary and
Secondary Education -- Higher Education
- Report No. 33 - Administrative Procedures

Report No. 34 - Local Government
Report No. 35 - Income Taxation
Report No. 36 - Board of Railroad Commissioners Ex Officio Public
Service Commission of Montana
Report No. 37 - Vietnam Honorarium

1971-72 Interim

Report No. 38 - Executive Reorganization
Report No. 39 - Health Service Corporations
Report No. 40 - Higher Education, Duplications
Report No. 41 - Highways
Report No. 42 - Insurance - Reform
Report No. 43 - Juvenile Institutions
Report No. 44 - Legislative Modernization
Report No. 45 - Local Government
Report No. 46 - Public Service Commission
Report No. 47 - Roll Call and Sound System, House of Representatives
Report No. 48 - School Construction
Report No. 49 - School Equalization Aid
Report No. 50 - School Foundation Program
Report No. 51 - Self-Insurance, Schools
Report No. 52 - State Laboratories
Report No. 53 - Water Resources
Report No. 54 - Welfare

1973 Interim

Bond Issues in Montana
Election Reform
Swan River Youth Forest Camp
Financing and Administration of Public Libraries
Right to Know, Right to Participate
Special Education for the Handicapped
Progress Report on House Joint Resolution No. 22 -- Retirement
Systems for Public Employees
Campaign Practices and Finances

1974 Interim

Workmen's Compensation
The Montana High School Association and Montana Interschool Activities
Moneys, Solvent Credits, and Industrial Facilities Taxation
Alcoholic Beverage Control Statutes
Fossil Fuel Taxation
Institutions
Equality of the Sexes
Uniform Fee Taxation and Anniversary Date Registration of Motor Vehicles
Actuarial Valuation; State Law Enforcement Retirement Programs

1975-76 Interim

Collective Bargaining and the State Wage and Classification Plan
Entry into Montana's Trades, Crafts, and Professions
Limitations on the Waiver of Sovereign Immunity
Medical Malpractice
Montana's District Courts
Montana's Inheritance Taxes
Montana's Property Taxes: Assessment and Classification
Montana's State Income Tax
Preservation of Agricultural Lands: Alternative Approaches
Public Access to Public Lands
Revision of Montana's Fire Laws
Right of Privacy -- Implementing Article II, Section 10, of the
Montana Constitution
Wine and Liquor Marketing Alternatives for Montana

1977-78 Interim

Administrative Code Committee Biennial Report
Capitol Master Plan: Reports and Recommendations
Comparative Individual Tax Burdens in the Fifty States
Community College Governance
Determination of Existing Water Rights
Election Laws
Income Tax Indexing
Legislative Improvement
Local Government Laws
Montana's Historical and Cultural Resources
Montana's Subdivision Laws: Problems and Prospects
Motor Vehicle Fee System
Report of the Coal Tax Oversight Committee
Report of the Committee on Indian Legal Jurisdiction
Revision of Montana's Property Tax Classification System
State Legal Services
Taxation of Metal Mines
Taxation of Montana's Financial Institutions
The Human Service Delivery System in Montana
Timber Taxation in Montana
Vocational Education Governance

*Copies of reports marked with an asterisk are not available for distribution.

1979-81 Interim

Administrative Code
Annexation Laws
Branching of Financial Institutions
Capitol Building and Planning
Container Deposits
Corrections Policy and Facility Needs

Energy Forecasting
Greenbelt Law
Legislative Improvement
Liquor License Quota System
Mandates to Local Governments
Miscellaneous Reports on Taxes
Montana Salary Commission
Payment of Taxes Under Protest
Payments in Lieu of Taxes for State-Owned Property
Retirement Systems
Seed Certification
Select Committee on Indian Affairs

A list of select, standing, and statutory committees functioning during each interim may be obtained from the Legislative Council.

APPENDIX I
RULES OF PROCEDURE
MONTANA LEGISLATIVE COUNCIL

RULE I

Each Legislative Council shall determine the rules of its proceedings.

RULE II

Regular meetings of the Legislative Council shall be held in the State Capitol, Helena, Montana, unless otherwise ordered by a majority of members at a previous meeting. Special meetings may be scheduled by a majority of members at a previous meeting or may be called by the Chairman on at least ten (10) days notice to the members. Any member of the Legislative Council who misses two (2) consecutive meetings may be relieved of his duties by a majority of the Council.

RULE III

All meetings of the Legislative Council shall be conducted under the established rules of the Senate of the state of Montana as to quorums and parliamentary procedure as applicable.

RULE IV

If a question of statewide importance arises when the Legislature is not in session and a study committee has not been appointed to consider the question, a majority of the Council may agree to assign the question to an appropriate study committee.

RULE V

(1) The Council staff shall assist individual members of the Legislature on request by compiling and analyzing material relating to state government. Such research may not exceed two man days of work without the consent of the Council. This limitation shall not apply to the Council's bill drafting service during and immediately preceding a legislative session.

(2) Bill drafting requests will not be honored until after the Secretary of State has made his canvass of votes, except that the requests from holdover senators and legislators running unopposed may be processed as staff time permits.

(3) All bill drafting requests must be specific as to what the legislator wishes to accomplish and must also outline the method which will achieve his end. Legislative Council staff, with the concurrence of the Executive Director, is authorized to return a bill drafting request to a legislator for more information.

RULE VI

Subject to the approval of the Council, the Executive Director may engage necessary stenographic, clerical, and other assistance for the operation of the Council, Legislative Services Division, the ALTER program, and aid to interim study committees or legislative standing committees.

RULE VII

The minutes of all regular and special meetings shall be mailed to each member of the Council as soon as possible after each meeting.

RULE VIII

Claims and requisitions up to \$100, payrolls, and routine claims in excess of \$100 may be approved by the Executive Director; all other claims and requisitions must be approved by the Chairman of the Council.

RULE IX

All meetings shall be open to the public.

RULE X

All publicity and news releases on behalf of the Council shall be made by the Chairman of the Council.

RULE XI

The Legislative Council will not pay out-of-state travel expenses for a lame duck legislator.

RULE XII

Alteration, suspension, or amendment of these rules may be by vote of a majority of the Council.

APPENDIX II

CHAIRMEN AND VICE-CHAIRMEN OF MONTANA LEGISLATIVE COUNCILS

1957	Chairman Vice-Chairman	Sen. David F. James (D) Rep. Berg (R)
1959	Chairman Vice-Chairman	Sen. Robert A. Durkee (D) Rep. George T. Howard (R)
1961	Chairman Vice-Chairman	Sen. William R. Mackay (R) Rep. John D. Melcher (D)
1963	Chairman Vice-Chairman	Sen. William A. Groff (D) Rep. Henry S. Hibbard (R)
1965	Chairman Vice-Chairman	Sen. Earl Moritz (R) Rep. Francis Bardanouve (D)
1967	Chairman Vice-Chairman	Sen. David F. James (D) Rep. Walter J. Ulmer (R)
1969	Chairman Vice-Chairman	Sen. Frank W. Hazelbaker (R) Rep. Francis Bardanouve (D)
1971	Chairman Vice-Chairman	Rep. Francis Bardanouve (D) Sen. Antoinette F. Rosell (R)
1973	Chairman Vice-Chairman	Sen. Carroll Graham (D) Rep. Henry S. Cox (R)
1975	Chairman Vice-Chairman	Rep. Robert L. (Bob) Marks (R) Sen. Neil J. Lynch (D) Sen. Carroll Graham (D) (replaced Senator Lynch)
1977	Chairman Vice-Chairman	Sen. Carroll Graham (D) Sen. Frank W. Hazelbaker (R)
1979	Chairman Vice-Chairman	Rep. Oscar S. Kvaalen (R) Sen. Pat M. Goodover (R)
1981	Chairman Vice-Chairman	Sen. Pat M. Goodover (R) Rep. John Vincent (D)

